THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Revision No. 502 of 2001
Old Civil revision No. 402 of 1982

Union of India through Chief Engineer West,
U.P. Bareilly.

….Revisionist.

Versus

1. Sri V.K. Gupta, Chief Engineer, Sole Arbitrator Chief Engineer, Itarsi (Sri V.K. Gupta, E-9. 10-A, Basant Vihar New Delhi-110057.
2. M/s H.S. Tuli & Sons, 359, Sector 9-D, Chandigarh.
3. Major B.S. Tuli (Retired) Partner, M/s H.S. Tuli & Sons, 359, Sector 9-D, Chandigarh.

…..Opp. Parties.

Sri Pradeep Hoshi, learned Standing Counsel (Central Govt.)
None appeared for the opposite parties.

Dated April 18, 2006

PC:(Hon'ble B.S. Verma, J.)

This revision has been filed under Section 115 of the Code of Civil Procedure against the order dated 17.4.1982 passed by the District Judge, Pithoragarh in Misc. Arbitration Case No. 26 of 1981, Union of India Vs. V.K.Gupta and others, whereby the application of the revisionist under Section 5 of the Arbitration act for revoking the authority of the arbitrator with the leave of the court was rejected.

Notices were issued to the revisionist as well as opposite parties. It revels from the service report that respondent no.1, sole arbitrator had died and respondent nos. 2 and 3 were served sufficiently.

Relevant facts giving rise to the present revision are since disputes having arisen between the Union of India on the one hand and the Opposite Party nos. 2 and 3 on the other, in respect of a contract pertaining to provision of married accommodation at Pithoragar, the O.P.No.1 Sri V.K. Gupta was appointed a Sole

Arbitrator and the arbitration case was registered before the District Judge as Misc. Arbitration Case No. 26 of 1981. In that case the revisionist moved an application before the District Judge Pithoragarh on 7.7.1981 under Section 5 of the Arbitration Act, with the prayer that the authority of the Arbitrator Sri V.K.Gupta be revoked. The Arbitrator sent his objection 18-C on 25.8.1981 through registered post. The District Judge has observed that from this paper it is clear that Sri V.K. Gupta was appointed as defending officer with the personal approval of Engineer-in-Chief and it was he who had personally appointed him as Arbitrator. The matter before the defending officer was quite different from that the disputes between the parties referred to the sole arbitrator for adjudication. It was also found by the District Judge that there was no allegation or evidence that Sri V.K. Gupta had any interest in the case.

I have gone through the impugned order passed by the District Judge, who after considering the material on record as well as relevant provisions of the Arbitration Act and after hearing the learned counsel for the applicant-revisionist, came to the conclusion that the applicant-revisionist failed to show that the arbitrator had any prior knowledge of the dispute referred to him. The learned District Judge also found that the revisionist has filed to show that the sole arbitrator was in any way interested in the case. Ultimately, the application of the revisionist was rejected.

Having considered the material on record, I find that the impugned order passed by the District Judge rejecting the application of the revisionist-applicant does not suffer from any illegality or material irregularity. But now it reveals from the service report that the sole arbitrator had died. In such a situation, the revision petition had become infructuous as soon as sole arbitrator died.

The revision is hereby dismissed as infructuous.

(B.S. Verma J.)

RCP